

Initially, applicants' undersigned attorney would like to thank Examiner Rudy for the courtesy shown during a brief telephone conversation on October 25, 2007, regarding this application. As briefly discussed with Examiner Rudy and discussed in more detail below, applicants respectfully submit that the claims of the present application are clearly patentably distinguishable over Hickman et al. Applicants also submit that the Office Action should not have been designated a final Office Action because the amendments made to the claims in applicants' July 30, 2007, amendment were of a minor clerical nature that do not justify the citation of a new grounds of rejection based on a new reference.

Pursuant to 37 C.F.R. § 1.111 and for the reasons set forth below, applicants respectfully request reconsideration and allowance of the pending claims. Prior to discussing in detail why applicants believe that all of the claims in this application are allowable, a brief description of the disclosed subject matter and brief descriptions of the teachings of the cited and applied references are provided. The following discussions of the disclosed subject matter and the cited and applied references are not provided to define the scope or interpretation of any of the claims of this application. Instead, these discussions are provided solely to assist the United States Patent and Trademark Office in recognizing the differences between the pending claims and the cited references, and should not be construed as limiting on the disclosed subject matter.

Disclosed Subject Matter

Disclosed is a computer-readable medium having a plug-in component containing program code for ordering a product from a plurality of computers and servers connected to form an internetwork. One example of an internetwork is, of course, the Internet. Plug-in components are commonly used in computer-type devices to control the operation of the computer-type device. Contemporary computer-type devices include portable and desktop personal computers, personal digital assistants (PDAs), cellular phones with PDA capability, etc.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

The plug-in component that contains program code for ordering a product from a plurality of computers and servers connected to form an internetwork places an order by using a telephone number to establish a premium telephone number communication link with a billing server connected to the internetwork that processes the order for the product. The premium telephone number is also used to establish a telephone communication billing entity to which the order for the product is billed. In addition, the plug-in component places an order for the product by transferring the order for the product to the billing server for processing and obtaining access information from the billing server via the premium telephone number communication link, which is used to claim the ordered product.

Other things are also disclosed. For example, also disclosed is, prior to establishing the premium telephone number communication link with the billing server, the plug-in component places the order by establishing an internetwork communication link with the billing server, obtaining a transaction identification which identifies the order for the billing server, and disconnecting the internetwork communication link with the billing server. Further disclosed is the plug-in component obtaining the access information by transferring the transaction identification to the billing server to identify the order placed and obtaining an access key from the billing server. The access key is assigned to the order identified by the transaction identified and is used to claim the ordered product.

Also disclosed is the computer-readable medium having a further computer-executable component that comprises a billing component for verifying the order placed by the plug-in component. Preferably, the billing component verifies the order placed by providing the transaction identification to the plug-in component once the internetwork communication link with the billing service is established by the plug-in component and providing the access key to the plug-in component once the premium telephone communication link with the billing server is

established by the plug-in component. Further disclosed is the billing component providing the plug-in component with an encrypted version of the product ordered before the plug-in component disconnects the internetwork communication link with the billing server and the plug-in component decrypting the encrypted version of the product ordered with the access key provided by the billing component.

U.S. Patent No. 7,143,148 (Hickman et al.)

Hickman et al. is directed to a method and apparatus for accessing a wide area network. Hickman et al. is clearly directed to using a low-cost telephone to access the Internet. More specifically, as illustrated in Figure 1, a low-cost telephone 12 accesses a telephone switch system 14 which connects the telephone 12 to a Telephone-to-Internet access system 16. The telephone 12 can be connected to the Telephone-to-Internet access system 16 via a standard telephone line, an ISDN telephone line, a T1 telephone line, a 1-800 telephone line, a 1-900 telephone line, a 1-976 telephone line, etc. (See Col. 6, lines 22-27.) The important point to make is that a user can access the Telephone-to-Internet access system 16 with a telephone 12, not the manner in which the user is connected to the system 16. As discussed in the background of the invention portion of the application of Hickman et al., the purpose of Hickman et al. is to use an ordinary low-cost, touch-tone telephone to provide access to many of the features of the Internet, including e-mail, the ability to cruise the World Wide Web, and the ability to create and edit Web pages. (See Col. 3, lines 3-11.) The purpose of the Hickman et al. disclosure is to use a low-cost (\$15-\$20) telephone to access the World Wide Web in a way that avoids the need for expensive computer apparatus. See Col. 1, lines 59-67. As will be readily recognized by those familiar with low-cost telephones, such telephones do not include and are not intended to include computer-readable medium having plug-in components containing computer code for controlling

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

the operation of a telephone, much less for ordering a product from a plurality of computers and servers connected to form an internetwork.

Argument

Claim 68, the only independent claim remaining in this application, reads as follows:

68. A computer-readable medium having a plug-in component containing program code for ordering a product from a plurality of computers and servers connected to form an internetwork, wherein the plug-in component places an order for the product by:

(a) using a premium telephone number to establish:

(1) a premium telephone number communication link with a billing server connected to the internetwork that processes the order for the product; and

(2) a telephone communication billing entity to which the order for the product is to be billed;

(b) transferring the order for the product to the billing server for processing; and

(c) obtaining access information from the billing server via the premium telephone number communication link, which is used to claim the ordered product.

As best applicants have been able to determine, the only relationship between Hickman et al. and the present application is that Hickman et al. discloses the use of a premium, i.e., a 900 telephone number, communication link to access an internetwork, i.e., the Internet. Hickman et al. clearly does not disclose a computer-readable medium having a plug-in component containing program code for ordering a product from a plurality of computers and servers connected to form an internetwork wherein the plug-in component places an order for the product by using a premium telephone number to establish a premium telephone number communication link with a billing server connected to the internetwork that processes the order for the product. While Hickman et al. arguably discloses a conventional touch-tone telephone making a premium number telephone communication link with a billing server connected to an

Internet for processing an order for a product, here any relationship between Claim 68 and Hickman et al. ends. A conventional telephone has no provision for any type of plug-in component, much less a plug-in component containing program code for ordering a product from a plurality of computers and servers connected to form an internetwork. Hickman et al. operates in an entirely different manner. Hickman et al. discloses the use of a conventional telephone 12 to connect to a Telephone-to-Internet access system 16 via a telephone system 14. The Telephone-to-Internet access system 16 contacts the Internet 18. There is no need for the telephone 12 to include a computer-readable medium having a plug-in component containing program code for ordering a product from a plurality of computers and servers connected to form an internetwork. While, arguably, the Telephone-to-Internet access system 16 includes plug-in components, the plug-in components do not use a premium telephone number to establish a premium telephone number communication link with a billing server connected to the internetwork that processes an order for the product. Nor is any plug-in component included in the Telephone-to-Internet access system 16 used to establish a telephone communication billing entity to which an order for a product is to be billed.

Hickman et al. also does not teach, disclose, or even remotely suggest transferring an order for a product to a billing server for processing and obtaining access information from the billing server via the premium telephone number communication link that is used to claim the ordered product.

In summary, Hickman et al. functions in an entirely different manner from the manner recited in Claim 68. As a result, applicants respectfully submit that Claim 68 is clearly allowable in view of the Hickman et al. disclosure. Because Hickman et al. does not teach, disclose, or suggest the subject matter of Claim 68, applicants further submit that Claims 69-81, all of which

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

depend directly or indirectly from Claim 68, are also not disclosed by Hickman et al. and, thus, are also allowable.

Applicants further submit that many of the dependent claims include recitations that are clearly not taught, disclosed, or even remotely suggested by Hickman et al. For example, Claim 69, which depends from Claim 68, recites that the plug-in component further places the order for the product by, prior to establishing the premium telephone number communication link with the billing server, establishing an internetwork communication link with the billing server, obtaining a transaction identification which identifies the order from the billing server, and disconnecting the internetwork communication link with the billing server. This subject matter is clearly not taught, disclosed, or suggested by Hickman et al. Claim 70, which depends from Claim 69, recites that the plug-in component obtains the access information by transferring the transaction identification to the billing server to identify the order placed, and obtaining an access key from the billing server. The access key is assigned to the order identified by the transaction identification and the access key is used to claim the ordered product. Again, this subject matter is not taught, disclosed, or suggested by Hickman et al. Claim 71, which depends from Claim 70, recites that the computer-readable medium has a further computer-executable component comprising a billing component for verifying the order placed by the plug-in component. The billing component is recited as verifying the order placed by providing the transaction identification to the plug-in component once the internetwork communication link with the billing server is established by the plug-in component, and providing the access key to the plug-in component once the premium telephone communication link with the billing server is established by the plug-in component. Claim 72, which depends from Claim 71, recites the billing component also provides the plug-in component with an encrypted version of the product ordered before the plug-in component disconnects the internetwork communication link with the

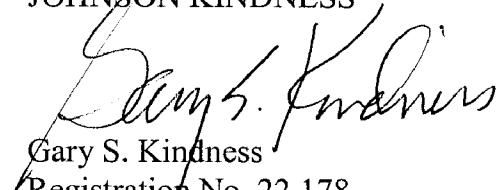
billing server. Claim 73, which depends from Claim 72, recites that the plug-in component decrypts the encrypted version of the product ordered with the access key provided by the billing component. Again, the subject matter recited in Claims 71, 72, and 73 is clearly not taught, disclosed, or suggested by Hickman et al. Many of the other dependent claims include recitations that are also clearly not taught, disclosed, or suggested by Hickman et al., particularly when considered in combination with the claims from which these claims depend. As a result, applicants respectfully submit that many of the dependent claims are clearly allowable for reasons in addition to the reasons why independent Claim 68 is allowable.

CONCLUSION

In view of the foregoing remarks, applicants respectfully submit that all of the claims in this application are clearly allowable. Consequently, early and favorable action allowing these claims and passing this application to issue is respectfully solicited. If the Examiner has any questions, he is invited to contact applicants' attorney at the number set forth below.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}


Gary S. Kindness
Registration No. 22,178
Direct Dial No. 206.695.1702

GSK:mgp/nfs

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100